UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,876	03/23/2004	David Milstein	50037.222US01	7778

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EXAMINER
MCLEOD, MARSHALL M

ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/809,876	MILSTEIN ET AL.
Office Action Summary	Examiner	Art Unit	
	MARSHALL MCLEOD	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 09 March 2009.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 21-40 is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) 21-40 is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 21-40 are pending in this application. Further the examiner withdraws the finality

of the previous office action in view of applicant's arguments and issues this new rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   **Claims 21-24, 26-31, 33-38 and 40 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over LaRue et al. (Patent No US 6,810,405), hereinafter LaRue, in view of

Fresko (Patent No US 7,124,291 B1).

4.   With respect to claim 21, LaRue discloses a computer-implemented method for

shadowing between a first computing device and a second computing device (Column 1, lines

56-60), the method comprising: associating shadow settings with an application of the first

computing device (Column 14, lines 22-27); registering the application of the first computing

device with a shadow manager, wherein the shadow manager is on the first computing device,

wherein registering the application includes communicating the settings to the shadow manager

(Column 3, lines 28-34); receiving a system event on the computing device, wherein the system

event indicates a coupling of the second computing device to the first computing device (Column 14, lines 3-9); upon receiving the system event, determining whether shadowing is supported according to the settings communicated to the shadow manager (Column 32, lines 66-67; Column 33 lines 1-16); when shadowing is supported, shadowing, by the shadow manager, the application, and sending, from the shadow manager of the first computing device, data, wherein the data of the current application is configured to cause the second computing device to execute an application on the second computing device (Column 24, lines 57 67; Column 25 lines 1-10).

LaRue does not disclose shadowing the current runtime execution; executing an application on the second computing device with the same current runtime as the current runtime execution of the application on the first computing device.

However, Fresko discloses shadowing the current runtime execution (Column 5, lines 29-39); executing an application on the second computing device with the same current runtime as the current runtime execution of the application on the first computing device (Column 5, lines 29-39).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the teachings of LaRue with the teachings of Fresko in order to synchronize data quickly between devices.

5.   With respect to claims 22, 29 and 36, LaRue discloses wherein the shadow settings

include at least one member of a group comprising: supported file identifiers of the application

(Column 9, lines 60-64; Column 10, lines 1-8), computing device identifiers for identifying

computing devices having authority to couple to the first computing device (Column 34, lines

32-39), a manual shadowing setting (Column 26, lines 61-63), and an automatic shadowing

setting (Column 15, lines 45.47).

6.   With respect to claims 23, 30 and 37, LaRue discloses wherein determining whether

shadowing is supported includes determining whether the shadow settings include at least one

member of a group comprising: manual shadowing and automatic shadowing (Column 26, lines

41-44).

7.   With respect to claims 24, 31 and 38, LaRue discloses wherein determining whether

shadowing is supported includes confirming a digital certificate associated with the first

computing device and the second computing device (Column 3, lines 29-34).

8.   With respect to claims 26, 33 and 40, LaRue discloses further comprising ignoring the

second computing device when shadowing is not supported (Column 15, lines 48-53; i.e.

discloses trying to synchronize with a second device but aborting the synchronization process if

the synchronization process fails i.e. is not supported).

9.   With respect to claims 27 and 34, LaRue discloses wherein the current runtime execution

of the application is associated with at least one member of a group comprising: the current

runtime execution of a music application, the current runtime execution of a video application,

the current runtime execution of a voice-over-Internet-Protocol application, the current runtime

execution of a web browsing application, and the current runtime execution of a word processing

application (Column 31, lines 46-50) (Note: the examiner interprets "a current runtime

execution" to mean a program running/operating).

10.   With respect to claim 28, LaRue discloses associating shadow settings with an

application of the first computing device (Column 14, lines 22-27); registering the application of

the first computing device with a shadow manager, wherein the shadow manager is on the first

computing device, wherein registering the application includes communicating the settings to the

shadow manager (Column 3, lines 28-34); receiving a system event on the computing device,

wherein the system event indicates a coupling of the second computing device to the first

computing device (Column 14, lines 3-9); upon receiving the system event, determining whether

shadowing is supported according to the settings communicated to the shadow manager (Column

32, lines 66-67; Column 33 lines 1-16); when shadowing is supported, shadowing, by the

shadow manager, the application, and sending, from the shadow manager of the first computing

device, data, wherein the data of the current application is configured to cause the second

computing device to execute an application on the second computing device (Column 24, lines

57 67; Column 25 lines 1-10).

LaRue does not disclose shadowing the current runtime execution; executing an application on

the second computing device with the same current runtime as the current runtime execution of

the application on the first computing device; a computer-readable storage medium having

computer executable instructions for shadowing a current runtime execution between a first

computing device and a second computing device.

However, Fresko discloses shadowing the current runtime execution (Column 5, lines 29-39);

executing an application on the second computing device with the same current runtime as the

current runtime execution of the application on the first computing device (Column 5, lines 29-

39); a computer-readable storage medium having computer executable instructions for

shadowing a current runtime execution between a first computing device and a second

computing device (Column 12, Claim 21).

11.   With respect to claim 35, LaRue discloses a system for shadowing information between a

first computing device and a second computing device, the system comprising: a processor

(Column 5, lines 13-20); and a memory having computer executable instructions (Column 5,

lines 13-20), wherein the computer executable instructions are configured for: associating

shadow settings with an application of the first computing device (Column 14, lines 22-27);

registering the application of the first computing device with a shadow manager, wherein the

shadow manager is on the first computing device, wherein registering the application includes

communicating the settings to the shadow manager (Column 3, lines 28-34); receiving a system

event on the computing device, wherein the system event indicates a coupling of the second

computing device to the first computing device (Column 14, lines 3-9); upon receiving the

system event, determining whether shadowing is supported according to the settings

communicated to the shadow manager (Column 32, lines 66-67; Column 33 lines 1-16); when

shadowing is supported, shadowing, by the shadow manager, the application, and sending, from

the shadow manager of the first computing device, data, wherein the data of the current

application is configured to cause the second computing device to execute an application on the

second computing device (Column 24, lines 57 67; Column 25 lines 1-10).

LaRue does not disclose shadowing the current runtime execution; executing an application on

the second computing device with the same current runtime as the current runtime execution of

the application on the first computing device.

However, Fresko discloses shadowing the current runtime execution (Column 5, lines 29-39);

executing an application on the second computing device with the same current runtime as the

current runtime execution of the application on the first computing device (Column 5, lines 29-

39).

12.   It would have been obvious to a person having ordinary skill in the art at the time of

invention to modify the teachings of LaRue with the teachings of Fresko in order to synchronize

data quickly between devices.

13.   **Claims 25, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaRue in view of Fresko and further in view of Un (Pub. No US 2003/0053631 A1).**

14.   With respect of claims 25, 32 and 39, LaRue does not disclose wherein determining whether shadowing is supported includes accessing digital rights management information associated with the application of the first computing device to determine whether shadowing is supported.

However, Un discloses wherein determining whether shadowing is supported includes accessing digital rights management information associated with the application of the first computing device to determine whether shadowing is supported (Page 3; [0031], lines 1-7).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the teachings of LaRue with the teachings of Un in order to make synchronization of data a more secure process.

Response to Arguments

15.   Applicant's arguments filed 28 July 2008 have been fully considered but they are not persuasive. Applicant's arguments with regards to prior art Pardikar is moot as the examiner no longer relies on Pardikar.

16.   With respect to applicant's arguments on pages 11, 12, 14, 17 and 18 of the instant arguments. Applicant contends that LaRue does not teach or otherwise suggest the shadowing of

the current runtime execution of the application. The examiner agrees with applicant. However, LaRue in combination with Fresko discloses shadowing of the current runtime execution of the application. Please see the newly constructed rejection above which addresses applicant's newly amended claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod

At Unit 2457
4/2/2009

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457